



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Seminis Vegetable Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED IN THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

"Ice Pack"

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this fifteenth day of March, in the year two thousand and five.

Attest:

Commissioner

Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Seminis Vegetable Seeds, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME XP 08500595		3. VARIETY NAME 'Ice Pack' MAY 1-10-2005	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 2700 Camino del Sol Oxnard, CA 93030-7967		5. TELEPHONE (include area code) (805) 647-1572		FOR OFFICIAL USE ONLY PVPO NUMBER 2004 00 1 12 FILING DATE Feb. 19, 2004	
		6. FAX (include area code) (805) 918-2545			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION California		9. DATE OF INCORPORATION 4-Jun-1962	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)					
Sharen Chaffin Seminis Vegetable Seeds, Inc. 37437 State Hwy 16 Woodland CA 95695			Marcel Bruins Seminis Vegetable Seeds, Inc. Nude 54D 6702 DN Wageningen The Netherlands marcel.bruins@seminis.com PH: 31 317 450218; FX 31 317 450217		
11. TELEPHONE (include area code) (530) 669-6172		12. FAX (include area code) (530) 666-4426		13. E-MAIL sharen.chaffin@seminis.com	
14. CROP KIND (Common Name) Pea		FILING AND EXAMINATION FEES: \$ 3652.00 DATE 2/17/2004 CERTIFICATION FEE: \$ 432.00 DATE 1-10-2005			
15. GENUS AND SPECIES NAME OF CROP Pisum sativum					
17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)					
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)					
19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act <input type="checkbox"/> YES (if "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (if "no", go to item 22)					
20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED					
21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)					
22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)					
23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)					
24. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 			SIGNATURE OF OWNER 		
NAME (Please print or type) Sharen Chaffin			NAME (Please print or type) Marcel Bruins		
CAPACITY OR TITLE IP Specialist		DATE 2-13-04		CAPACITY OR TITLE IP Specialist	
		DATE 2-13-04			

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to **reproduce** the variety, or for tuber reproduced varieties verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. **Retain one copy for your files.** All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvp.htm>

ITEM

- 18a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) evidence of uniformity and stability; and (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 18c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 18d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 18e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
19. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
22. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
23. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

21. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

22. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

23. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center--East, Beltsville, MD 20705. Telephone: (301) 504-8089. <http://www.ams.usda.gov/lsg/seed.htm>

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 3.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

ST-470 (02-10-2003) designed by the Plant Variety Protection Office with Word 2000. Replaces former versions of ST-470, which are obsolete.

EXHIBIT A

Origin and Breeding History of ~~XP-08500595~~, Garden Pea

'Ice Pack'

mat 1-10-05

08500595 was developed at Seminis's Western Breeding Station (WBS), Filer, Idaho, by pedigree selection from a population developed by backcrossing the allele for afila foliage into the variety Cabree, with Arise as the source of the *af* allele for afila. Both Cabree and Arise are Seminis varieties. The crossing and selections were made as follows:

- | | |
|------------|---|
| 12-14-1992 | Planted Arise and Cabree in the greenhouse at WBS. Crosses made |
| 6-16-1993 | Planted F1 and Cabree in the gh at WBS. Made BC1. |
| 9-29-1993 | Planted BC1F1 in the gh at WBS. Allowed to self. |
| 2-7-1994 | Planted BC1F2 in the gh at WBS. Selected afila plants and allowed them to self. |
| 6-15-1994 | Planted BC1F3 afila plants and Cabree in the gh at WBS. Made BC2. |
| 10-3-1994 | Planted BC2F1 in the gh at WBS. Allowed to self. |
| 4-4-1995 | Planted BC2F2 in the field at WBS. Selected individual afila plants. |
| 4-4-1996 | Planted BC2F3 in the field at WBS. Selected individual afila plants. |
| 4-3-1997 | Planted BC2F4 in the field at WBS. Selected individual afila plants |
| 4-10-1998 | Planted BC2F5 in the field at WBS under the number R98 1208.
Selected this line for earliness, for vigorous, productive, afila foliage plants and for dark green berry color. Observations during the growing season indicated the line was uniform and stable. Subsequent increases of 08500595 trace to the bulk of R98 1208 |
| 4-13-2000 | Planted a bulk increase of 08500595 in the field at WBS under the number RWL 055. Made 400 random individual plant selections. |
| 4-11-2001 | Planted about 400 individual progenies in the field at WBS under the number RWG 209. Observations during the growing season confirmed 08500595 is uniform and stable, and all the progenies were harvested as one bulk. |

Selection criteria in the field represent a balance of characteristics related to productivity and quality and to goodness to fit for market needs such as: earliness; vigorous, afila plants with good standing ability; dark green processed color; and good yield potential.

Observations during the two (2) years of 1998 and 2001 confirm 08500595 is uniform and stable within commercially acceptable limits. As is true with other garden pea varieties, a small percentage of off-types can occur within commercially acceptable limits for almost any characteristic during the course of repeated multiplications. No variants are known to occur.

EXHIBIT B

Novelty Statement Concerning 08500595 Garden Pea
'Ice Pack'

M4 1-10-05

08500595 is an early maturing medium-large sieve freezer pea with an afila foliage plant. To our knowledge the variety most similar to 08500595 is Cabree. The comparative characteristic that best distinguishes the two includes, but may not be limited to, afila foliage: 08500595 carries the *af* allele for afila foliage, whereas Cabree carries the *Af* allele for normal foliage.

8. PODS:

2 Shape: 1 - STRAIGHT 2 - SLIGHTLY CURVED 2 End: 1 - POINTED (Alderman) 2 - BLUNT (Alaska)

3 Color: 1 - LIGHT GREEN (Alaska WR) 2 - MEDIUM GREEN 3 - DARK GREEN (Alderman)
4 - OTHER (Specify) _____

2 Surface: 1 - SMOOTH 2 - ROUGH 2 Surface: 1 - SHINY 2 - DULL

3 Borne: 1 - SINGLE 2 - DOUBLE 3 - SINGLE AND DOUBLE 4 - SINGLE, DOUBLE, & TRIPEE
5 - DOUBLE & TRIPLE 6 - TRIPLE 7 - OTHER (Specify) _____

6. 7 CM. LENGTH 1 1 MM. WIDTH (Between sutures) 0 7 NO. SEEDS PER POD

9. SEEDS (95-100 Tenderometer):

3 Color: 1 - LIGHT GREEN 2 - GREEN 3 - DARK GREEN 4 - OTHER (Specify) _____

Solve: %

1	2	3	4	5	6	7	8	AVERAGE
1 1	1 8	3 2	3 6	0 3				3. 0 2

SEEDS (Dry, Mature):

1 Shape: 1 - FLATTENED 2 - ANGULAR 3 - OVAL 4 - ROUNDED

3 Surface: 1 - SMOOTH 2 - DIMPLED 2 Surface: 1 - SHINY 2 - DULL
3 - WRINKLED

1 Color Pattern: 1 - MONOCOLOR 2 - MOTTLED 3 - STRIPED 4 - DOTTED

2 Primary Color: 1 - CREAMY-WHITE 2 - CREAM & GREEN 3 - LIGHT GREEN 4 - MEDIUM GREEN
5 - DARK GREEN 6 - BLUE-GREEN 7 - YELLOW 8 - BROWN 9 - RED

Secondary Color: 10 - GRAY 11 - BLACK

1 Hilum Floor Color: 1 - WHITE 2 - TAN 1 Cotyledon Color: 1 - GREEN 2 - YELLOW 3 - ORANGE
3 - BLACK

1 9 GRAMS PER 100 SEEDS

10. DISEASE: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

2	FUSARIUM WILT	1	NEAR-WILT	0	DOWNY MILDEW
0	ASCOCHYTA BLIGHT	1	POWDERY MILDEW	0	BACTERIAL BLIGHT
0	MOSAIC	0	PEA ENATION MOSAIC	2	YELLOW BEAN MOSAIC
	OTHER (Specify) _____				

11. INSECT: (0= Not Tested; 1 = Susceptible; 2 = Resistant)

0 APHIDS OTHER (Specify) 100

12. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leafiness	Arise	Fresh Seed Color	Cabree
Leaf Color	Arise	Mature Seed Color	Cabree
Pod Color	Cabree	Seed Shape	Cabree
Pod Shape	Cabree	Plant Habit	Cabree

COMMENTS:

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) Seminis Vegetable Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER XP 08500595	3. VARIETY NAME <i>'Ice Pack'</i> <i>m48</i> <i>1-10-05</i>
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 2700 Camino del Sol Oxnard, CA 93030-7967	5. TELEPHONE (Include area code) (805) 647-1572	6. FAX (Include area code) (805) 918-2545
7. PVPO NUMBER 2004 00 1 12		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain.

☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country.

☐ YES ☐ NO

10. Is the applicant the original owner?

☒ YES☐ NOIf no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES☐ NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES☐ NO

If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The variety named in this application was developed by the Seminis Vegetable Seeds, Inc., employee (breeder) named below. Unless otherwise stated, all rights to the varieties developed by Seminis Vegetable Seeds, Inc. are assigned to the Company by agreement or by operation of law. No rights to such invention, discovery or development are retained by the employee(s).

Employee (Breeder): David Webster

Site Location: Filer, ID

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

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